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Crl.M.P.No.6116 of 2023 in Crl.RC.No.790 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6116 of 2023
in Crl.RC.No.790 of 2023

Vijayalakshmi

... Petitioner

/vs/

Selvi
Respondent

..

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence passed by the Judicial Magistrate, Fast Track Court (Magisterial Level) at Tiruvannamalai dated 21.12.2021 made in C.C.No.64 of 2020, which was confirmed by Principal District and Sessions Court, Tiruvannamalai by its judgment dated 17.10.2022 made in Crl.A.No.7 of 2022 pending disposal of the above criminal revision case.

For Petitioner ... Mr. B.Jawahar

ORDER

This petition has been filed to suspend the sentence imposed on



the petitioner by the learned Judicial Magistrate, Fast Track Court (Magisterial Level) at Tiruvannamalai in C.C.No.64 of 2020, vide judgement dated 21.12.2021, which was confirmed by the learned Principal District and Sessions Judge, Tiruvannamalai in Crl.A.No.7 of 2022, vide judgement dated 17.10.2022, pending disposal of the Criminal Revision Petition.

2. The trial Court, by its judgment dated 21.12.2021 convicted and sentenced the petitioner/accused as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo SI for 1 year and to pay a compensation of Rs.7,00,000/-, in default, to undergo 2 months SI.

3. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.7 of 2022 on the file of the Principal District and Sessions Court, Tiruvannamalai and the learned Principal District and Sessions Judge, Tiruvannamalai, vide judgment dated 17.10.2022,



confirmed the judgment of the trial Court.

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4.Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

5.The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.

6.Heard the learned counsel for the petitioner and perused the materials available on record.

7.The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to



be taken up in the near future. In such view of the matter, this Court

is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court (Magisterial Level) at Tiruvannamalai.
- (ii) The petitioner shall affix her photograph and Left Thumb Impression in the bond and the above said Court may obtain a copy of her Aadhaar card or Bank pass Book to ensure her identity; and;
- (iii) Petitioner shall appear before the trial Court as and when required.

27.04.2023

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Note: Issue order copy on 28.04.2023

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1. The Principal District and Sessions Judge, Tiruvannamalai.
2. The Judicial Magistrate, Fast Track Court (Magisterial Level) at Tiruvannamalai
3. The Superintendent, Central Prison, Vellore.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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